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*[Additional Counsel on Signature Page]*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MAINE STATE RETIREMENT SYSTEM,  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

COUNTRYWIDE FINANCIAL  
CORPORATION, et al.

Defendants.

No. 2:10-CV-00302 MRP  
(MAN)

CLASS ACTION

**NOTICE OF ERRATA TO  
PLAINTIFFS' RESPONSE TO  
DEFENDANTS' REQUESTS  
FOR JUDICIAL NOTICE**

1 TO THE CLERK OF THE COURT AND ALL ATTORNEYS OF RECORD  
2 HEREIN:

3 PLEASE TAKE NOTICE THAT the law firm of Kirby McInerney LLP was  
4 inadvertently omitted from the signature block of Plaintiffs' Response to  
5 Defendants' Requests for Judicial Notice (Docket No. 183, filed 9/13/2010).

6 The corrected signature pages are attached hereto as Exhibit "A".

7  
8 Dated: September 15, 2010

Respectfully submitted,

9 **GLANCY BINKOW & GOLDBERG  
LLP**

10 /s/ Michael Goldberg  
11 Michael Goldberg  
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*Counsel for Named Plaintiff General Board  
of Pension and Health Benefits of the United  
Methodist Church*

# EXHIBIT A

1 *Litig.*, No. 07-139, 2008 WL 2354367, at \*1 (W.D. Mo. June 4, 2008)) (emphasis  
2 added).<sup>5</sup>

3 As such, the Court should not take judicial notice of Countrywide RJN  
4 Exhibits 19-24 and should not draw any inferences in favor of Defendants from any  
5 judicially noticed documents. *McGuire*, 2008 WL 1791381, at \*4.

6 **IV. CONCLUSION**

7 For the reasons stated above, the Court should deny Defendants' Request for  
8 Judicial Notice.

9  
10 Dated: September 13, 2010

Respectfully submitted,

11 **GLANCY BINKOW & GOLDBERG**  
12 **LLP**

13 /s/ Michael Goldberg  
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16 <sup>5</sup> Indeed, at the pleading stage courts consistently have rejected analogous  
17 arguments that losses sustained by investors were a result of the broader subprime  
18 market decline and related financial crisis (or other macroeconomic trends) and not  
19 a result of misleading statements or omissions regarding the fraudulent conduct of  
20 defendants. *See, e.g., In re New Century*, 588 F. Supp. 2d 1206, 1237-38 (C.D.  
21 Cal. 2008) (indicating that on the issue of loss causation, questions of “intervening  
22 causes” are “factual questions that this Court does not resolve on a 12(b)(6)  
23 motion”); *In re Imax Sec. Litig.*, 587 F. Supp. 2d 471, 486 (S.D.N.Y. 2008) (“the  
24 defendants will be entitled to interpose their defense of intervening facts...at trial”  
25 and as such “regardless of the plausibility of the argument[] the issue is  
26 inappropriate for resolution at [the motion to dismiss stage]”); *Lentell v. Merrill*  
27 *Lynch & Co., Inc.*, 396 F.3d 161, 174 (2d Cir. 2005) (““If the loss was caused by  
28 an intervening event, like a general fall in the price of Internet stocks, the chain of  
causation...is a matter of proof at trial and not to be decided on a Rule 12(b)(6)  
motion to dismiss.”) (citation omitted); *Hubbard v. BankAtlantic Bancorp, Inc.*,  
No. 07-61542, *slip op.* at 6 (S.D. Fla. May 11, 2009) (rejecting defendants’  
“emphatic[]” argument “that it was the deterioration in the real estate market – not  
any material misrepresentations or omissions by the Defendants – that really  
caused the Company’s losses” and reserving for the proof stage Defendants’  
“alternative causation theory”); *In re Wash. Mut., Inc. Sec., Deriv & ERISA Litig.*,  
No. 08-MD-1919, 2009 WL 1393679, at \*18 (W.D. Wash. May 15, 2009)  
 (“Plaintiff is not required to show that WaMu’s misrepresentations were the only  
cause of the stock decline. Although the [housing] market downturn may have  
affected WaMu stock prices, this does not foreclose the possibility that the alleged  
disclosures had an impact as well.”).

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**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO  
CENTRAL DISTRICT OF CALIFORNIA LOCAL RULES  
AND ECF GENERAL ORDER NO. 10-07**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067.

On September 17, 2010, I caused to be served the following document:

- 1. NOTICE OF ERRATA TO MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS AND MOTION TO STRIKE**
- 2. NOTICE OF ERRATA TO PLAINTIFFS' NOTICE OF REQUEST AND REQUEST FOR JUDICIAL NOTICE**
- 3. NOTICE OF ERRATA TO PLAINTIFFS' RESPONSE TO DEFENDANTS' REQUESTS FOR JUDICIAL NOTICE**

By posting the document to the ECF Website of the United States District Court for the Central District of California, for receipt electronically by the parties as listed on the attached Service List.

And on any non-ECF registered party:

**By Mail:** By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service that same day.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 17, 2010, at Los Angeles, California.

*s/Michael Goldberg*  
Michael Goldberg

**Mailing Information for a Case 2:10-cv-00302-MRP -MAN****Electronic Mail Notice List**

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The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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